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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,933	01/17/2002	Edward Lester	PD-201165	1752

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

CHOULES, JACK M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 06/04/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

Office Action Summary

Application No.

10/051,933

Applicant(s)

LESTER ET AL.

Examiner

Jack M Choules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5, 7, 8, and 11 are rejected under 35 U.S.C. 102(a, e) as being anticipated by Boyer et al. [hereinafter Boyer] US patent No. 6,268,849 B1.
4. As to claims 1 and 7, Boyer teaches a web search system comprising “presenting an option ...” (fig. 8, indexes 512 and 514; col. 5 lines 59-67; col. 6 lines 1-22; col. 10 lines 40-67; and col. 11 lines 1-8), “displaying a plurality...” (fig. 13, index 842), “displaying on or more said channel...” (fig 14; col. 11, lines 9-24), “allowing the user to select...” (fig 14; col. 11, lines 9-24), and “displaying web page content...” (fig 14; col. 11, lines 9-24; col. 5 lines 59-67; col. 6 lines 1-22).
5. As to claims 2 and 8, Boyer also teaches “displaying channel content summary” (fig. 14, index 862 and text below channel and fig. 13, index 842).
6. As to claims 5 and 11, Boyer also teaches “text” (fig 14).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer as applied to claims 1 and 7 above, and further in view of Cole et al. [hereinafter Cole] US patent No. 5,933,827.

10. As to claims 3 and 9 Boyer does not detail "a different set of subject categories is presented". However, Cole does describe a system including "a different set of subject categories is presented" (col. 1, lines 56-67 and col. 2, lines 1-17).

11. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Cole and Boyer because Cole describes the

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well known Yahoo web catalog system which provides relevant web page selections through a hierarchy of categories (Cole col. 2, lines 10-17) improving the versatility of the DP system.

12. Claims 4, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer and Cole as applied to claims 1-3 and 7-9 above, and further in view of Yahoo Press Release {hereinafter Yahoo] Yahoo! Launches Yahoo! En Español, Spanish Language Web Guide Features Spanish Programming and Resources for the Global Spanish Speaking Community.

13. As to Claims 4 and 10, Boyer and Cole do not detail “the selected language”. However, Yahoo does describe a system including “the selected language” (first full paragraph of Yahoo news release).

14. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Yahoo with Cole and Boyer because Yahoo the same system described by Cole and multiple language availability serves the needs of a larger more diverse group of clients (yahoo third full paragraph) improving the versatility of the DP system.

15. As to claim 13 although independent claim 13 incorporates the steps of claims 1-5 as addressed hereinabove and thus is subject to the same rejection as the claims in the paragraphs above.

Allowable Subject Matter

16. Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or suggest "selecting... is performed by clicking on a button on a remote control image situated on the users computer screen."

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

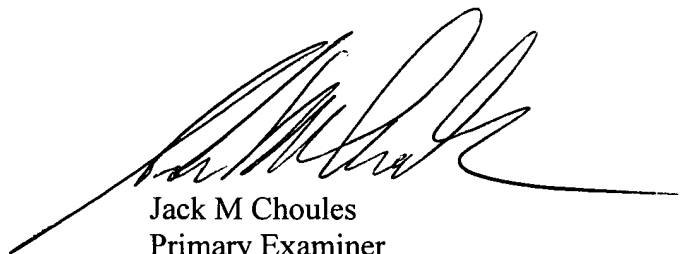
Licon et al.	6,728,705 B2	Using subject categories to access web content.
Vu et al.	6,393,427 B1	Constructing and maintaining hierarchical categories for use in document classification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jack M Choules', is written over the printed name and title.

Jack M Choules
Primary Examiner
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30 May 2004